

1) Introduction

Note: [Click here](#) for Lessons Learned that may apply to the requirements contained in this LIR.

Los Alamos National Laboratory (LANL) must [commit to strict adherence to all U.S. export controls](#). This requires that under no circumstances shall the export of technology, software, or commodities take place contrary to U.S. export control laws and regulations (see Section 8.2).

This LIR shall complement the expectations contained in [LPR 406-00-00.0](#) "Integrated Safeguards and Security Management (ISSM)." The requirements contained in this LIR shall be implemented in conjunction with the [LANL Export/Import Guide](#) and the required [Export Training](#). The contents of this LIR shall be effective on the issue date and will be implemented by December 27, 2000, or if revised upon the revision date.

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2) Purpose

This LIR states the requirements that shall be implemented for LANL's Export/Import Control Program. Equipment entering the U.S. under a temporary import bond must be exported within a certain time period and high risk property reviews shall be a required part of the Program. LANL's High Risk Property Program shall incorporate an export control review on items LANL releases to the public. *Guidance Note:* Importing is included since many of LANL's imports are a return of its exports.

3) Scope and Applicability

This LIR shall apply to all LANL personnel, including contractors working for LANL, involved in exporting and importing commodities, software, and/or technology. It shall also apply to anyone requesting that property they no longer require is placed into the LANL's excess property process. *Guidance note:* LANL's Export/Import Guide is provided to explain procedures and assist with the preparation of documentation and materials for export from, or import to, LANL.

4) Acronyms and Definitions

4.1 Acronyms

AM:	LANL's Administrative Manual
CFR:	Code of Federal Regulations
ALD:	Associate Laboratory Director
DLD:	Deputy Laboratory Director
DOC:	Department of Commerce
DOE:	Department of Energy
DOS:	Department of State
EAR:	Export Administration Regulations
EWG:	Export Working Group
FTS:	Foreign Travel System
IAEA:	International Atomic Energy Agency
ITAR:	International Traffic in Arms Regulations
LIR:	Laboratory Implementation Requirement
LPR:	Laboratory Performance Requirement
NRC:	Nuclear Regulatory Commission
OIC:	Office of Institutional Coordination
SI:	Supplemental Instruction
TIB:	Temporary Import Bond
U.S.C.:	United States Code

4.2 Definitions

commodity: Any article, material, or supply except technology and software.

deemed export: An export of technology or source code is "deemed" to take place when it is released to a foreign national within the United States. A deemed export can also occur when technology is transferred to a foreign national by using equipment in the U.S.

defense article: Any item or technology designated in 22 CFR 121.1, including technology recorded or stored in any physical form, models, mockups or other items that reveal technology directly relating to items designated in 22 CFR 121.1. This does not include basic marketing information on function or purpose or general system descriptions.

defense service:

- The furnishing of assistance (including training) to foreign persons, whether in the United States or abroad in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles;
- The furnishing to foreign persons of any technology controlled under 22 CFR 120.10, whether in the United states or abroad; or
- Military training of foreign units and forces, regular and irregular, including formal or informal instruction of foreign persons in the United States or abroad or by correspondence courses, technical educational, or information publications and media of all kinds, training aid, orientation, training exercise and military advice.

dual use: Items that have both commercial and military applications. **Note:** While this term is used informally to describe items that are subject to the EAR, purely commercial items are also subject to the EAR (see §734.2(a) of the EAR).

embargoed/sanctioned countries: Countries that are subject to broad based controls for items and activities subject to the EAR imposed to implement U.S. government policies. See the [Customs Office Home Page](#) for a current list.

employee: Any LANL worker employed by the University of California.

export: To transfer commodities, software, technology or to provide defense services outside of United States territorial boundaries or to provide technology or defense services to a foreign national within the United States territorial boundaries (referred to as a "deemed export"). The method by which technology is transferred (i.e. hard copy, electronically, verbal, by observation or demonstration, etc.) shall be irrelevant.

Export also includes providing defense services outside of the United States or to a foreign national within the United States

export license: Authority issued by the DOC, NRC, DOS or DOE authorizing an export, reexport or other regulated activity.

Export Working Group: See Attachment 1 and the table of responsibilities in Section 6.1.

foreign national: For the purpose of the export control regulations, a foreign national is any person who is not a U.S. citizen (by birth or naturalization) or who has not been granted 1) permanent residence, as demonstrated by the issuance of a permanent resident visa (i.e., "green card") or 2) status as a "protected person" under 8 U.S.C. 1324b(a)(3).

Guidance Note: This differs from the definition used in "[Foreign Visits and Assignments](#)" process, which considers anyone not actually a U.S. citizen to be a foreign national.

high risk property: Property that meets one or more of the following categories:

- **Especially Designed or Prepared Property:** Equipment, materials, and technology designed or prepared especially for use in the nuclear fuel cycle and described in the IAEA Information Circular 254, Part 1, the Nuclear Suppliers Group Trigger List.
- **Export Controlled Property:** Property subject to export licensing by the Departments of Commerce or State, the Nuclear Regulatory Commission, or authorization by the Department of Energy. (This shall include Munitions List items, including defense articles, which are controlled by the Department of State, see 22 CFR 121, ITAR.)
- **Nuclear Weapon Components or Weapon-Like Components:** Parts of whole war reserve nuclear weapons, joint test assemblies, trainers, or test devices, including associated testing, maintenance, and handling equipment, or items that simulate such parts. If classified, their disposition shall be determined by the Atomic Energy Act of 1954, as amended, and if unclassified, by DOE technical experts on the basis of reviews approved by the Director of the Office of Nonproliferation and National Security.
- **Proliferation-Sensitive Property:** Nuclear-related or dual-use equipment, material, software, or technology described in the Nuclear Suppliers Group Trigger List or Dual-Use List or equipment, material, software or technology used in the research, design, development, testing, or production of nuclear or other weapons. (See also the U.S. Munitions List, 22 CFR 121, Category XVI.)

import: Bringing material, equipment and software into the United States from any foreign country including Canada and Mexico.

nonproliferation: Measures taken to prevent the spread of nuclear weapons.

publicly available information (a/k/a public domain information): Information (in the form of technology and software) that is generally accessible to the interested public in any form (e.g., published in any media available for general distribution; readily available in public or university libraries; released at an open conference, meeting, seminar, trade show, or other open gathering; available to the general public on-line). Software and information is published when it is available for general distribution either for free or for a cost that does not exceed the cost of reproduction and distribution

technology: Specific information required for the development, production, or use of a product.
Guidance Note: The information takes the form of technical data or technical assistance. Technical assistance may take forms such as instruction, skills training, working knowledge, consulting services. Technical assistance may involve transfer of technical data. Technical data may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

Temporary Import Bond: A type of importation entry that allows the import of articles into the United States temporarily that are claimed to be exempt from duty under Chapter 98 of the Harmonized Tariff Schedule of the United States.

worker: Includes LANL employees, affiliates, visitors, vendors, contractors, subcontractors, and their employees, while they are performing work at LANL.

5) Precautions and Limitations

Guidance Note: This LIR is not a comprehensive compendium of all relevant export control issues, regulations and policies. This LIR shall be used in conjunction with the LANL Export/Import Guide for export control decisions.

Regulations, procedures and world politics are ever-changing and the offices listed below shall assist with all export/import questions or concerns. Caution shall be exercised when interacting with any foreign national regardless of where they are located to avoid a deemed export situation.

6) Implementation Requirements

6.1 Responsibilities

Who	Shall
LANL Director	<ul style="list-style-type: none"> Have complete responsibility and accountability for export control related activities associated with LANL's programs and processes. <i>Guidance Note:</i> The Director has delegated this responsibility to the ALD for Operations. Develop, implement, and maintain an export control program commensurate with all applicable laws and regulations and with DOE guidelines that have been incorporated in the U.C. contract. <i>Guidance Note:</i> The Director has delegated this responsibility to the Export Working Group.

ALD for Operations	<ul style="list-style-type: none"> • Assure implementation of LANL's Export Control Program requirements. • Assure that export control laws and regulations are incorporated in the U.C. contract with subsequent institutional requirements being incorporated into LANL's directive. • Oversee the activities of the EWG.
ALDs/DLDs	<ul style="list-style-type: none"> • Reinforce LANL's requirements for implementing all export control laws and regulations and DOE requirements that have been incorporated in the U.C. contract and LANL implementing requirements document. • Approve foreign visit and assignment requests.
Division Directors	<ul style="list-style-type: none"> • Assure implementation of export control requirements. • Approve the export of publicly available information to embargoed countries or countries under certain sanctions in accordance with Export/Import Procedures (see the LANL Export/Import Guide).
Group Leaders	<ul style="list-style-type: none"> • Communicate, implement, and hold their employees accountable for all applicable requirements pertaining to export, import and high risk property. • Ensure all UC employees and where applicable, other LANL workers, complete all required export control training. • Concur in foreign visits & assignments approval and be accountable for ensuring all requirements are met. • Ensure that staff and foreign nationals are trained on rules and regulations regarding foreign visits. • Review all group documents and software intended for publication as required in AM 719.03-719.05. • Take disciplinary action as required in AM112 when notified of an export infraction. • Contact the Chair of the EWG when notified of a possible violation of export control laws.
Employees and Workers	<ul style="list-style-type: none"> • Complete required training on LANL requirements and procedures regarding export control. • Implement all LANL requirements and procedures regarding export control. • Obtain Customs Office approval for shipping or hand-carrying any LANL material, equipment or software or when electronically disseminating software out of the country. • Determine (based on required training and with assistance from group leaders or the Classification Office) if technology to be exported is exempt from export licensing requirements. If not, consult the Classification Office on whether a license is required for the proposed export and if so, interact with the Customs Office to obtain required licenses. • Obtain required licenses or license exception designations from the Customs Office prior to export. • Follow all export license conditions or the conditions for using an approved export license exception provided by the Customs Office, and implement the conditions of a Temporary Import Bond (TIB) when importing items under

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	<p>a TIB, including notifying the Customs Office if items under a TIB are going to be destroyed (before the destruction takes place) or if the items will not be returned within a year of entry.</p> <ul style="list-style-type: none"> • Place the required export designation on the lower left-hand corner of mailing envelopes and in the subject line of an electronic mail or facsimile leaving the country. • Inform the Property Administrators and the Customs Office if property to be disposed of is high risk property and not to be released to the public. • Report potential violations of export control requirements to the Chair of the EWG (see Attachment 1).
Foreign Visitor Hosts	<ul style="list-style-type: none"> • Complete required training for hosts of foreign nationals. • Initiate requests for foreign national participation. • Ensure all procedures relating to foreign visitors being hosted are followed.
Authors/Speakers	<ul style="list-style-type: none"> • Implement LANL requirements for information to be made publicly available (see Export/Import Guide).
Computer Code Developers	<ul style="list-style-type: none"> • Implement LANL software release requirements for software made available to anyone outside LANL. • Implement LANL requirements for access to source code of LANL software for foreign nationals at LANL.
Contract Administrators and Purchasing Assistants	<ul style="list-style-type: none"> • Contact the Customs Office when placing procurements with foreign entities.
Export Working Group (EWG)	<ul style="list-style-type: none"> • Report to the ALD of Operations. • Include members from the organizations depicted on the attached organizational chart (see Attachment 1). • Establish, publish, implement and maintain internal requirements/procedures that facilitate international interactions, minimize adverse programmatic impacts and ensure implementation of all export control laws and regulations and DOE directives that have been incorporated in the U.C. contract. • Establish required training programs on export control implementation requirements for LANL personnel. • Ensure corrective actions are implemented upon report of deficiencies in the Export Control Program. • Copy the ALD of Operations on EWG meeting minutes and activities. • Act as OIC for this LIR.
Chairperson of the EWG (see Attachment 1)	<ul style="list-style-type: none"> • Report potential violations of export control requirements to the EWG. • Research potential violations of export control requirements with other EWG members and report violations to the cognizant Group Leader, the ALD for Operations and, if the violation is regulatory, to the Laboratory Legal Counsel.
Customs Office	<ul style="list-style-type: none"> • Obtain export licenses, commodity and software classifications; designate license exceptions; prepare shipping documents; approve all exports of commodities and software from LANL; and maintain central records of commodity and software exports. • Prepare required entry documentation for clearing imports to LANL.

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	<ul style="list-style-type: none"> • Review surplus property and property transfer requests for proliferation-sensitive and weapons-related concerns. • Notify the Chair of the EWG if a regulatory violation is suspected or has occurred.
Classification Office	<ul style="list-style-type: none"> • Determine if a license is required and maintain records of such determinations for technology to be exported from LANL which the exporter has determined not to be exempt from the export regulations. • Assist LANL employees, when requested, with determination of whether technology is exempt from export licensing requirements. • Review foreign visit and assignment requests for export control technology issues. • Notify the Chair of the EWG if a regulatory violation is suspected or has occurred. • Review Laboratory publications and software releases, CRADA joint work statements, Funds-in Agreement work statements, patent applications and non-disclosure agreements with foreign nationals for export control considerations.
Internal Security (ISEC), Foreign Visits & Assignments	<ul style="list-style-type: none"> • Obtain from the Classification Office an export control review for foreign nationals visiting LANL. • Notify the Chair of the EWG if a regulatory violation is suspected or has occurred.
Mail Room	<ul style="list-style-type: none"> • Monitor outgoing mail to foreign countries and ensure mail to embargoed countries has been approved at the responsible division level. • Ensure mail destined to leave the U.S. is marked with the required export designation.
Foreign Travel Office	<ul style="list-style-type: none"> • Require travelers to contact the Customs Office when material, equipment, technology or software is requested to be taken outside the U.S. and remind travelers to contact the Classification Office if they have questions regarding the transfer of information to foreign nationals. • Distribute a requirements checklist to be completed by foreign travelers that reminds them of all the items they need to be aware of: shots, visas, passport, requirements for hand-carrying export controlled technology, CI briefings, etc.
Nonproliferation and International Technology	<ul style="list-style-type: none"> • Provide technical expertise and assistance to LANL regarding export control and nonproliferation when requested.
Technology Transfer Division	<ul style="list-style-type: none"> • Ensure that export licensing requirements have been implemented prior to releasing LANL technologies outside LANL for the purpose of licensing or other commercialization discussions.
Legal Counsel	<ul style="list-style-type: none"> • Obtain foreign filing licenses from the U.S. Patent and Trademark Office to permit the filing of LANL patent applications in foreign countries.

6.2 Export Control Program

LANL's Export Control Program shall contain the following six components:

- 1) Shipping/hand-carrying materials and equipment to a foreign country,
- 2) Transferring technology to a foreign country or to a foreign national in the U.S.,
- 3) Transferring software to a foreign country or to a foreign national in the U.S.,
- 4) Importing materials and equipment,
- 5) Disposing of high risk property, and
- 6) Ensuring export regulation compliance for foreign nationals at LANL.

Guidance note: Recommended procedures are provided in [LANL's Export/Import Guide](#).

6.3 Training Requirements

[Export training](#) shall be required annually for all UC employees and, where applicable, to other LANL workers as shown in the following table. The training shall be on-line and EDS credit shall be given for each module completed. *Guidance Note:* This training gives LANL workers the basic information on export control and directs users to more detailed training modules required for the specific activities as shown in the following table.

If You:	You Shall Complete:
Are a UC Employee or Designated LANL Worker and You:	The on-line basic export control training.
Ship or Hand-Carry Material or Equipment to a Foreign Country	The on-line training for shipping/hand-carrying material and equipment to a foreign country.
Transfer Technology to a Foreign Country or to a Foreign National in the U.S.	The on-line training for transferring technology to a foreign country or to a foreign national in the U.S. This shall include sharing information while attending a conference.
Transfer Software to a Foreign Country or to a Foreign National in the U.S.	The on-line training for transferring software to a foreign country or to a foreign national.
Import Materials and Equipment	The on-line training for importing materials and equipment.
Excess Equipment or Material that may be Weapons-Related or Proliferation-Sensitive	The on-line for excessing equipment or material that may be weapons-related or proliferation-sensitive.
Host a Foreign National	The on-line training for hosts of foreign nationals.
Go on Foreign Travel <i>Guidance Note:</i> This includes Canada and Mexico	The on-line training for shipping/hand-carrying material and equipment to a foreign country. The on-line training for transferring technology to a foreign country or to a foreign national in the U.S. The on-line training for transferring software to a foreign country or to a foreign national.

6.4 Violations/Disciplinary Action

Failure to adhere to LANL's requirements and procedures for export control shall be considered an export infraction and shall result in disciplinary action up to, and including, termination.

Guidance note: Follow the discipline policy and procedures in [AM 112](#)

6.5 Internal Assessments

Internal assessments shall be conducted every two years by the Customs Office, the Classification Office, ISEC Foreign Visits & Assignments and the Mail Room, beginning with the first assessment to be conducted 12 months after the effective date of this LIR. Copies of the findings shall be distributed to the Export Working Group for evaluation and recommendation.

All strengths and weaknesses shall be evaluated by the EWG and reported to the ALD for Operations. The EWG shall ensure that corrective actions are implemented when required.

7) Documentation/Record Keeping

Records shall be kept in accordance with the following table.

Who Shall Retain	What Shall be Retained	For How Long
Customs Office	Export Records	5 years
	Import Records	5 years
	High Risk Property Reviews	5 years
Classification Office	Licensing Determinations	5 years
	Export Reviews	5 years
ISEC, FV&A	DOE Form 982s	3 years 20 years - archive
	Export Assessments	3 years 20 years - archive
Foreign Travel Office	Pre-briefing/debriefing E-mails	5 years

8) References

8.1 Document Ownership

The OIC for this document shall be the Associate Laboratory Director for Operations (ADO) and delegated to the EWG.

8.2 Documents

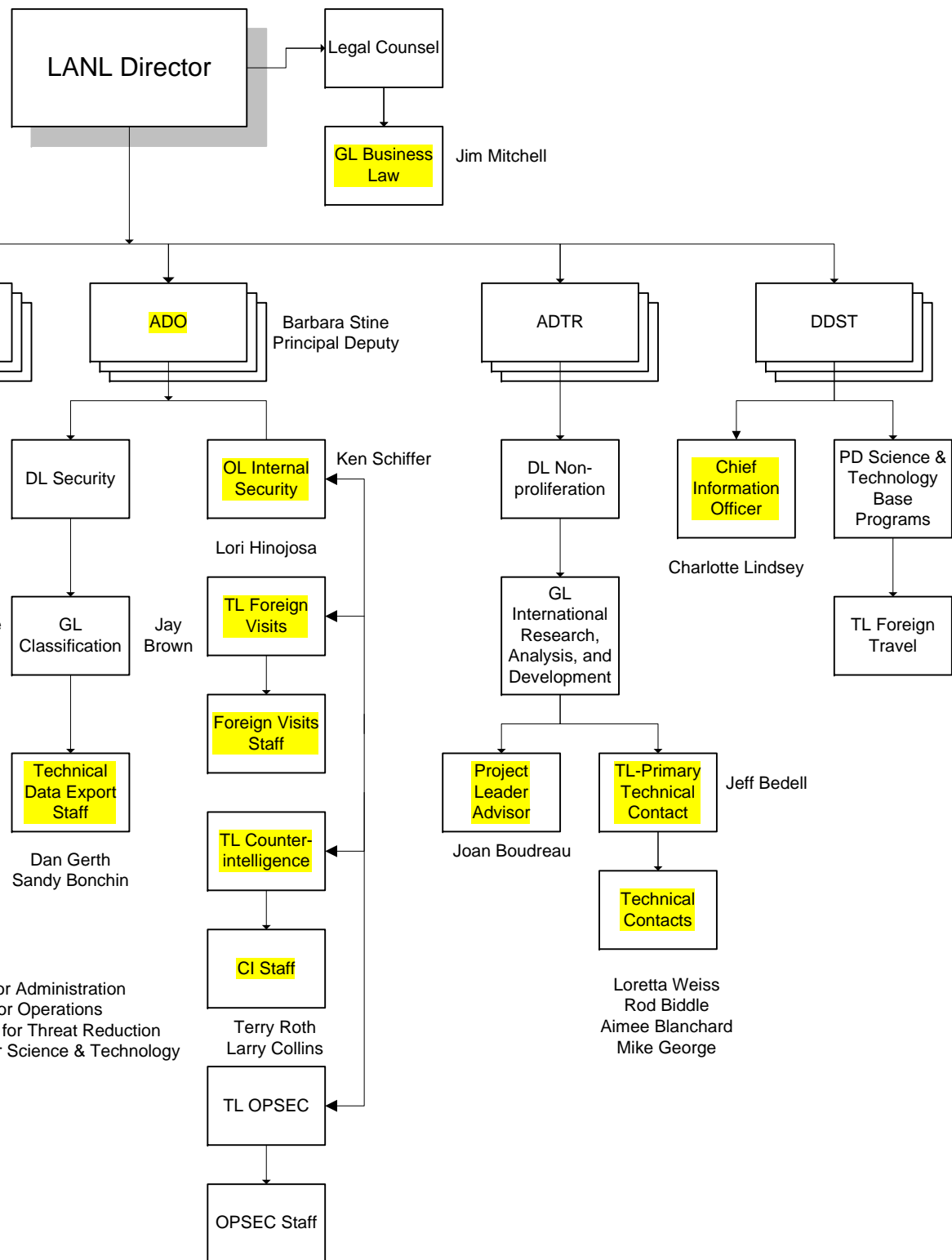
- Export Administration Regulations (15 CFR 730-774)
- International Traffic In Arms Regulations (22 CFR 120-130)
- Foreign Assets Treasury Controls (31 CFR 500-590)
- Alcohol, Tobacco and Firearms (27 CFR 47, 55, 178, 179)
- Nuclear Regulatory Commission (10 CFR 110)
- Department of Energy (10 CFR 810)
- Drug Enforcement Agency (21 CFR 1300-1399)
- U.S. Customs Service (19 CFR 1-199)
- U.S. International Trade Commission (19 CFR 200-299)
- International Trade Administration (19 CFR 300-399)
- Bureau of Census (15 CFR 30-199)
- Property Management Regulations (41 CFR 101-42.1102-8 and 109)

- DOE Orders and published guidelines regarding export control as incorporated in the U.C. contract
- Any new regulations regarding export control that are published in the Code of Federal Regulations

9) Attachments

Attachment 1: EWG Organizational Chart

Attachement 1 **Los Alamos National** **Laboratory** **Export Working Group** **2004**



Means primary participants